

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

DOUGLAS WAYNE SOKELL,

Petitioner,

v.

BRIGITTE AMSBERRY,

Respondent.

No. 2:18-cv-02118-SB

OPINION AND ORDER

MOSMAN, J.,

On August 30, 2022, Magistrate Judge Stacie F. Beckerman issued her Findings and Recommendation (“F&R”) [ECF 82], recommending that Petitioner’s Petition for Writ of Habeas Corpus [ECF 1] be dismissed with prejudice. Petitioner filed objections, and Respondent responded. Pet’r’s Objs. to F&R [ECF 84]; Resp’t’s Resp. to Objs. to F&R [ECF 85].

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of

the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Beckerman's recommendation, and I ADOPT the F&R [ECF 82] as my own opinion. Petitioner's Petition for Writ of Habeas Corpus [ECF 1], is DISMISSED WITH PREJUDICE, and I DECLINE to issue a Certificate of Appealability because Petitioner has not made a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

DATED this 27 day of September, 2022.


MICHAEL W. MOSMAN
Senior United States District Judge